

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

JON D. HIGGINS,

Plaintiff,

vs.

UNION PACIFIC RAILROAD CO.,

Defendant.

**8:16CV539**

**AMENDED ORDER  
SETTING FINAL SCHEDULE  
FOR PROGRESSION OF CASE**

A telephone status conference was held in this matter on February 6, 2018, with counsel for the parties. In accordance with the matters discussed at the conference,

**IT IS ORDERED:**

1. Plaintiff shall have an extension of time to **February 20, 2018**, to file a brief in response to Defendant's Motion for Summary Judgment ([Filing No. 49](#)). Defendant may file its reply brief on or before **March 2, 2018**.
2. **Pretrial Disclosures.** Pursuant to [Fed. R. Civ. P. 26\(a\)\(3\)](#), each party shall serve opposing counsel and file a redacted version as applicable with the following information regarding the evidence it may present at trial other than solely for impeachment purposes as soon as practicable but not later than the date specified:
  - a. **Nonexpert Witnesses - On or before March 9, 2018:** The name, address and telephone number<sup>1</sup> of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.
  - b. **Deposition Testimony and Discovery** - The designation of discovery testimony and discovery responses intended to be utilized at trial is not required at this time.
  - c. **Trial Exhibits - On or before March 9, 2018:** A list of all exhibits it expects to offer by providing a numbered listing and permitting examination

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<sup>1</sup> In accordance with the E-Government Act, counsel shall, on witness lists, exhibits, and other disclosures and/or *documents filed with the Court*, redact Social Security numbers, home addresses, telephone numbers, and other personally identifying information of witnesses, but shall serve an unredacted version on opposing parties. See NECivR 5.3.

of such exhibits, designating on the list those exhibits it may offer only if the need arises.

- d. **Waiver of Objections.** Any and all objections to the use of the witnesses, deposition testimony, discovery responses, or exhibits disclosed pursuant to the above subparagraphs, including any objection pursuant to [Fed. R. Civ. P. 32\(a\)](#) that a deponent is available to testify at the trial, shall be made a part of the pretrial order. Failure to list objections (except those under [Fed. R. Evid. 402](#) and 403) is a waiver of such objections, unless excused by the Court for good cause shown.
3. Any motions in limine shall be filed on or before **March 16, 2018**.
4. The **Final Pretrial Conference** with the undersigned magistrate judge is set for **April 2, 2018, at 11:00 a.m.**, in my chambers, 111 South 18th Plaza, Suite 2210, Roman L. Hruska United States Courthouse, Omaha, Nebraska. The final pretrial conference shall be attended by lead counsel for represented parties. Prior to the pretrial conference, counsel shall complete all items as directed in NECivR [16.2](#).<sup>2</sup> By the time of the pretrial conference, full preparation for trial shall have been made so that trial may begin immediately thereafter. The pretrial conference will include a discussion of settlement, and counsel shall be prepared through investigation, discovery and communication with clients and insurers, if any, to discuss fully the subject of settlement, including realistic expectations about liability, obstacles to agreement, offers made, and offers which can be made at the conference. Counsel shall be prepared to make additional offers or proposals for settlement in behalf of their clients at the pretrial conference, and counsel shall be prepared to make or opine on recommendations for further negotiations and conferences.
5. The trial date remains unchanged.
6. **Motions to Alter Dates.** All requests for changes of deadlines or settings established herein shall be directed to the assigned magistrate judge by appropriate motion, including all requests for changes of trial dates. Such motions shall not be considered in the absence of a showing by counsel of due diligence in the timely development of this case for trial and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 6<sup>th</sup> day of February, 2018.

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<sup>2</sup> All personal information should be redacted from the public version of the order and/or attachments filed with the Clerk. *See* NECivR 5.3.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge